

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1646

Patent Application of

Byron E. Anderson

Application No. 10/612,298

Confirmation No.: 5133

Filed: July 2, 2003

Examiner: _____

“PEPTIDES COMPRISING AROMATIC D-
AMINO ACIDS AND METHODS OF USE”

I, Diane J. Frauchiger, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Diane J. Frauchiger
Signature

April 9, 2004
Date of Signature

RESPONSE TO NOTICE TO FILE MISSING PARTS

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice to File Missing Parts of Application - Filing Date Granted, which was mailed October 16, 2003 and a copy of which is attached.

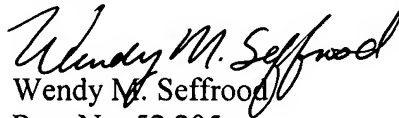
Also enclosed are a Request for Four-Month Extension of time, and a check for \$1716.00 for the requisite fees. Applicant claims Small Entity Status. The filing fee has been calculated as shown below.

(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) BASIC FEE \$385.00
TOTAL CLAIMS	45 - 20	= 25	X \$9.00	= \$225.00
INDEPENDENT CLAIMS	10 - 3	= 7	X \$43.00	= \$301.00
			SURCHARGE	65.00
			FILING FEE --	\$976.00
			REQUEST FOR 4- MONTH EXTENSION OF TIME	\$740.00
			TOTAL DUE	\$1,716.00

The Notice to File Missing Parts states that the application fails to comply with the requirements of 37 CFR 1.821-1.825. However, Applicants respectfully assert that a Sequence Listing is not required in the present application. 37 CFR 1.821 states that amino acid sequences containing D-amino acids are not intended to fall under the definition of amino acid sequences for the purposes of amino acid sequence disclosures. MPEP 2422.01 states: "The presence of one or more D-amino acids in a sequence will exclude that sequence from the scope of the rules." Because every sequence described and claimed in the present application includes at least one D-amino acid, no Sequence Listing is required. Notification to that effect is respectfully requested.

Charge or credit Deposit Account No. 50-0842 with any shortage or overpayment of the fees associated with this communication. A duplicate of this sheet is enclosed.

Respectfully submitted,


Wendy M. Seffrood
Reg. No. 52,205

File No. 093073-9001

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